

Attention: WorkCover WA

Re: Implementation consultation paper 20: Noise Induced Hearing Loss

Prepared by: Glenn Johnson, Director and Principal Audiologist, The Hearing Company

Overall, I am not in favour of many of the changes to the NIHL scheme proposed by WorkCover WA. The proposed changes, I believe, will lead to increased cost and burden to workers and allow insufficient time to implement any changes.

Please see below comments, concerns and recommendations regarding the proposed changes.

1. Workers are likely to be unaware of hearing decline and eligibility to claim for NIHL

Exposure to loud noise is widely acknowledged as a significant cause of injury to the ear, resulting in hearing loss in the affected individual. Despite the presence of injury, noise-related hearing loss is often described as an “invisible condition”; it rarely results in the usual, obvious symptoms associated with other injuries. For example, pain, bleeding, swelling, visible signs of trauma.

The presence of hearing decline can, however, be easily revealed via audiometry. A significant benefit of the current WorkCover WA testing regime is that workers are notified of their eligibility to claim for a loss of hearing.

Under the proposed changes, workers will be required to self-identify changes in hearing and, given the absence of symptoms mentioned above, many workers will miss out on the opportunity to claim for compensation.

2. Limited audiometric history likely to lead to more contested NIHL claims and associated costs

Currently, WorkCover WA stores a detailed history of worker hearing test results, including the baseline (a record of a worker’s hearing in their first noisy job). A significant benefit of this regime is that, in the event of a claim (or a worker query about eligibility for a claim), information about past tests is readily available. This has no doubt contributed to the situation where the claim process for NIHL is relatively straightforward with limited contesting of claims by workers, insurers, employers, etc.

Under the proposed changes, over time there will be gaps in the audiometric record, including the absence of a formal baseline. As a result, there are likely to be far more contested claims and associated costs. Workers who contest a claim will be faced with increased legal fees (hiring a lawyer) to prepare and present their case against better-resourced parties (employers, insurers, etc). Aside from the cost, workers are also likely to experience increased mental and time burden, which is likely to deter them from pursuing a claim. Again, with the potential to miss out on compensation.

A higher number of contested claims is likely to lead to increased costs for insurers, employers and other parties.

3. Absence of investigation into the reasons for a high false positive trigger for NIHL claims

The proposal notes a high number of false positive triggers for NIHL claims by Approve Audiometric Officers (AAOs), with the implication that there are questions about the accuracy of tests conducted by AAOs. The document quickly draws the conclusion that dispensing with air conduction testers is the solution. Testing by AAOs is a long-standing and integral part of the WCWA NIHL scheme. It is surely unwise to make such a drastic change without a thorough investigation of the reasons for the issue and the implications of making any proposed changes.

One reason may be an absence of any requirement for ongoing training and requalification of AAOs. Under the current arrangement, after attending the approved training course and being declared competent there is no requirement for

ongoing training or requalification. This is at odds with many other areas of health assessment or care where practitioners are required to undertake periodic training and requalification.

Another contributing factor could be insufficient auditing or review of practitioners in the field. In recent years, WorkCover WA audited several practices on the use of the Form 18, although being an administrative focus this would have had no impact on clinical skills or test results.

4. Misleading calculation of the claim/test percentage

The consultation paper observes that only 4% (967) of all “baseline and subsequent” air conduction tests resulted in a successful claim for NIHL, with this value used as evidence of the inefficiency of the current system. The value and purpose of the subsequent test is to identify significant changes in hearing. The baseline is a reference, or starting point, for the worker’s hearing soon after commencing work in a noisy job. As such, the baseline doesn’t have any direct involvement in the claim process and shouldn’t be included in a calculation of test-to-claim efficiency.

A more relevant and useful calculation would be the percentage of subsequent tests which progressed to successful claims, which would be much higher than the 4% value described by WorkCover WA. This very low value of 4% is ill-informed and misleading.

5. Aligning of criteria when employers required to pay for audiological assessments

The consultation paper proposes that the employer pays for an audiological assessment when the worker meets the conditions specified in Western Australia’s new WHS regulation 58. I support this proposal as it aligns WorkCover WA with the WHS regulations (and the rest of the country).

6. Limited timeline for implementation

After discussing with numerous stakeholders with long-standing experience in industry, many were surprised at the breadth of the significant proposed changes, the lack of warning/preparation and the limited proposed timeline for implementation.

I commented on the two previous NIHL program proposals issued by WorkCover WA during the last 12 years and neither mentioned the radical change of abolishing the role of Approved Audiometric Officers and regulation of testing equipment/facilities. As recently as mid last year I, and other experienced stakeholders, provided advice/opinion to WorkCover WA yet there was no mention of the proposed changes.

If the proposed changes are to be implemented, a longer timeframe will allow industry time to prepare. Based on the proposed start time of 1 July 2024, industry will have only a few short months to prepare following the release of a formal announcement of changes. A significant contrast with the 2-year transition phase for employers to implement the new WHS regulation 58 Audiometric testing.

Although due to commence on 1 April 2024, my understanding is that Department of Mines Industry Regulation and Safety is still working on some fundamental aspects of advice and directions to industry in relation to regulation 58. A longer timeline for WorkCover WA changes would facilitate a smoother transition to implement the new audiometry requirements under WHS regulation 58.

Please contact me should you have any queries regarding this submission.

Glenn Johnson



Director

12 January 2024